

UNPUBLISHED

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellee.

v.

No. 00-6629

ROGER B. BRYANT,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of West Virginia, at Clarksburg.
Irene M. Keeley, District Judge.
(CR-95-30, CA-99-51-1)

Submitted: August 24, 2000

Decided: September 5, 2000

Before MICHAEL and MOTZ, Circuit Judges, and
HAMILTON, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

COUNSEL

Roger B. Bryant, Appellant Pro Se. Samuel Gerald Nazzaro, Jr.,
Assistant United States Attorney, Wheeling, West Virginia, for
Appellee.

Unpublished opinions are not binding precedent in this circuit. See
Local Rule 36(c).

OPINION

PER CURIAM:

Roger Bryant seeks to appeal the district court's order adopting a magistrate judge's report and recommendation to deny his 28 U.S.C.A. § 2255 (West Supp. 2000) motion. Bryant's case was referred to a magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) (1994). The magistrate judge recommended that relief be denied and advised Bryant that failure to file timely, specific objections to the recommendation could waive appellate review of a district court order based upon the recommendation. Despite this warning, Bryant lodged only general objections to the magistrate judge's recommendation.

The timely filing of specific objections to a magistrate judge's recommendation is necessary to preserve appellate review of the substance of that recommendation, when parties have been warned that failure to lodge specific objections will waive appellate review. See United States v. One Parcel of Real Property, 73 F.3d 1057, 1060 (10th Cir. 1996); Howard v. Secretary of Health & Human Servs., 932 F.2d 505, 508-09 (6th Cir. 1991); Lockert v. Faulkner, 843 F.2d 1015, 1019 (7th Cir. 1988). See generally Thomas v. Arn, 474 U.S. 140 (1985); Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985). Bryant has waived appellate review of his claims by failing to file specific objections after receiving proper notice. Thus, we deny a certificate of appealability and dismiss the appeal.

In the only portion of his objections that could possibly be regarded as specific, Bryant challenged the magistrate judge's recommendation to deny his involuntary guilty plea claim. We have carefully reviewed the district court's order adopting the magistrate judge's recommendation and the record in this case and find no reversible error regarding this issue. Accordingly, even construing this portion of the objections as specific, we deny a certificate of appealability as to this issue and dismiss the appeal based on the reasoning of the district court. See United States v. Bryant, No. CR-95-30; CA-99-51-1 (N.D.W. Va. Mar. 8, 2000). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED